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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

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| EXAMINER |
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SHINGLES, KRISTIE D

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| ART UNIT | PAPER NUMBER |
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2141

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/874,104

Applicant(s)

HAINES ET AL.

Examiner

Kristie Shingles

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Applicant has not amended any claims.

Claims 1-20 are pending.

The declaration filed on March 1, 2005 under 37 CFR 1.131 has been considered but is ineffective to overcome the prior art of record, *Sears, Jr. et al* (US Publication 2002/0133540).

Thus the rejection of claims 1-20 is sustained.

37 CFR 1.131 - AFFIDAVIT/DECLARATION

I. FORMALITIES

The following parties may make an affidavit or declaration under 37 CFR 1.131:

(A) All the inventors of the subject matter claimed.

(B) An affidavit or declaration by less than all named inventors of an application is accepted where it is shown that less than all named inventors of an application invented the subject matter of the claim or claims under rejection. For example, one of two joint inventors is accepted where it is shown that one of the joint inventors is the sole inventor of the claim or claims under rejection.

(C) **>If a petition under 37 CFR 1.47 was granted or the application was accepted under 37 CFR 1.42 or 1.43, the affidavit or declaration may be signed by the 37 CFR 1.47 applicant or the legal representative, where appropriate.< .

(D) The assignee or other party in interest when it is not possible to produce the affidavit or declaration of the inventor. *Ex parte Foster*, 1903 C.D. 213, 105 O.G. 261 (Comm'r Pat. 1903).

Affidavits or declarations to overcome a rejection of a claim or claims must be made by the inventor or inventors of the subject matter of the rejected claim(s), a party qualified under 37 CFR 1.42, 1.43, or 1.47, or the assignee or other party in interest when it is not possible to produce the affidavit or declaration of the inventor(s). Thus, where all of the named inventors of a pending application are not inventors of every claim of the application, any affidavit under 37 CFR 1.131 could be signed by only the inventor(s) of the subject matter of the

Art Unit: 2141

rejected claims. Further, where it is shown that a joint inventor is deceased, refuses to sign, or is otherwise unavailable, the signatures of the remaining joint inventors are sufficient. However, the affidavit or declaration, even though signed by fewer than all the joint inventors, must show completion of the invention by all of the joint inventors of the subject matter of the claim(s) under rejection. *In re Carlson*, 79 F.2d 900, 27 USPQ 400 (CCPA 1935). (MPEP 715.04)

A. The declaration fails to include the signature of all the inventors—only two of the three inventors signed the declaration. Therefore, the failure to include the signature of the third inventor renders the declaration defective, and the affidavit ineffective.

II. SUBSTANCE

Applicant is attempting to rely on conception of the invention prior to the effective date of the reference (*Sears, Jr. et al*, March 15, 2001) coupled with due diligence from prior to the reference date (March 23, 2000 as indicated in Exhibit A) to the filing date of the application (constructive reduction to practice, June 4, 2001).

CONCEPTION

A general allegation that the invention was completed prior to the date of the reference is not sufficient. *Ex parte Saunders*, 1883 C.D. 23, 23 O.G. 1224 (Comm'r Pat. 1883). Similarly, a declaration by the inventor to the effect that his or her invention was conceived or reduced to practice prior to the reference date, without a statement of facts demonstrating the correctness of this conclusion, is insufficient to satisfy 37 CFR 1.131.

The affidavit or declaration and exhibits must clearly explain which facts or data applicant is relying on to show completion of his or her invention prior to the particular date. Vague and general statements in broad terms about what the exhibits describe along with a general assertion that the exhibits describe a reduction to practice “amounts essentially to mere pleading, unsupported by proof or a showing of facts” and, thus, does not satisfy the requirements of 37 CFR 1.131(b). *In re Borkowski*, 505 F.2d 713, 184 USPQ 29 (CCPA 1974). Applicant must give a clear explanation of the exhibits pointing out exactly what facts are established and relied on by applicant. 505 F.2d at 718-19, 184 USPQ at 33. See also *In re Harry*, 333 F.2d 920, 142 USPQ 164 (CCPA 1964) (Affidavit “asserts that facts exist but does not tell what they are or when they occurred.”).

Art Unit: 2141

While conception is the mental part of the inventive act, it must be capable of proof, such as by demonstrative evidence or by a complete disclosure to another. Conception is more than a vague idea of how to solve a problem. The requisite means themselves and their interaction must also be comprehended. See *Mergenthaler v. Scudder*, 1897 C.D. 724, 81 O.G. 1417 (D.C. Cir. 1897). (MPEP 715.07)

B. The evidence submitted is insufficient to establish a conception of the invention prior to the effective date of the *Sears, Jr. et al* reference.

C. Applicant relies on Exhibit A (see page 1, item 4 and 5 of the affidavit) to establish conception of the applicant's claimed invention. However, the statement therein merely states that Exhibit A discloses the invention. This is not even a general description of what the exhibit shows and amounts to mere pleading. Applicant has failed to provide a clear explanation as to how the exhibit supports conception of the claimed invention.

D. Nevertheless, the Examiner has reviewed the exhibits and is of the opinion that the exhibits fail to provide sufficient evidence to support the conception of the claimed invention. Exhibit A does not disclose the degree of detail necessary to support conception, because Exhibit A also fails to reach the degree of specificity found in the claims presented.

DILIGENCE

Where conception occurs prior to the date of the reference, but reduction to practice is afterward, it is not enough merely to allege that applicant or patent owner had been diligent. *Ex parte Hunter*, 1889 C.D. 218, 49 O.G. 733 (Comm'r Pat. 1889). Rather, applicant must show evidence of facts establishing diligence. (MPEP 715.07(a))

E. In determining the sufficiency of a 37 CFR 1.131 affidavit or declaration, diligence need not be considered unless conception of the invention prior to the effective date is

clearly established, since diligence comes into question only after prior conception is established.

Ex parte Kantor, 177 USPQ 455 (Bd. App. 1958).

F. However, in the interest of compact prosecution of the application on all merits, the Examiner will comment briefly on Applicant's attempted showing of diligence.

Under 37 CFR 1.131, the critical period in which diligence must be shown begins just prior to the effective date of the reference or activity and ends with the date of a reduction to practice, either actual or constructive (i.e., filing a United States patent application). Note, therefore, that only diligence before reduction to practice is a material consideration. The "lapse of time between the completion or reduction to practice of an invention and the filing of an application thereon" is not relevant to an affidavit or declaration under 37 CFR 1.131. See *Ex parte Merz*, 75 USPQ 296 (Bd. App. 1947). (MPEP 715.07(a))

G. The evidence submitted is insufficient to establish diligence from a date prior to the date of reduction to practice of the *Sears, Jr. et al* reference to either a constructive reduction to practice or an actual reduction to practice. Applicant's showing of diligence is clearly insufficient. For Example, there is no activity shown for over a year (from March 23, 2000 to April 20, 2001) and then from April 20, 2001 to June 4, 2001. Therefore the diligence fails to be established due to the failure to fully account for the indicated time interval gaps.

An applicant must account for the entire period during which diligence is required. *Gould v. Schawlow*, 363 F.2d 908, 919, 150 USPQ 634, 643 (CCPA 1966).

The diligence of 35 U.S.C. 102(g) relates to reasonable "attorney-diligence" and "engineering-diligence" (*Keizer v. Bradley*, 270 F.2d 396, 397, 123 USPQ 215, 216 (CCPA 1959)).

Diligence requires that applicants must be specific as to dates and facts. The period during which diligence is required must be accounted for by either affirmative acts or acceptable excuses. (MPEP 2138.06)

An applicant must account for the entire period during which diligence is required. *Gould v. Schawlow*, 363 F.2d 908, 919, 150 USPQ 634, 643 (CCPA 1966) (Merely stating that there were no weeks or months that the invention was not worked on is not enough.); *In re Harry*, 333 F.2d 920, 923, 142 USPQ 164,

Art Unit: 2141

166 (CCPA 1964) (statement that the subject matter “was diligently reduced to practice” is not a showing but a mere pleading). A 2-day period lacking activity has been held to be fatal. *In re Mulder*, 716 F.2d 1542, 1545, 219 USPQ 189, 193 (Fed. Cir. 1983) (37 CFR 1.131 issue); *Fitzgerald v. Arbib*, 268 F.2d 763, 766, 122 USPQ 530, 532 (CCPA 1959) (Less than 1 month of inactivity during critical period. Efforts to exploit an invention commercially do not constitute diligence in reducing it to practice. An actual reduction to practice in the case of a design for a three-dimensional article requires that it should be embodied in some structure other than a mere drawing.); *Kendall v. Searles*, 173 F.2d 986, 993, 81 USPQ 363, 369 (CCPA 1949) (Diligence requires that applicants must be specific as to dates and facts.).

The period during which diligence is required must be accounted for by either affirmative acts or acceptable excuses. *Rebstock v. Flouret*, 191 USPQ 342, 345 (Bd. Pat. Inter. 1975); *Rieser v. Williams*, 225 F.2d 419, 423, 118 USPQ 96, 100 (CCPA 1958). (MPEP 2138.06)

H. Because the entire period during which diligence is required must be accounted for by either affirmative acts or acceptable excuses, the evidence submitted is insufficient to establish diligence for the critical period. It appears that Applicant may be relying on Attorney's actions during the critical period. If so, then an affidavit by the attorney may be needed. (See penultimate section of MPEP 2138.06 “Diligence in Preparing and Filing Patent Application”).

The Examiner notes that the substantive comments are merely for guidance and are not comprehensive. The affidavit is deficient on its face because of improper execution.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5 are rejected under 35 U.S.C. 102(e) as being unpatentable by US Publication 2002/0133540 to *Sears, Jr. et al.*

Regarding claim 1, *Sears, Jr. et al.* teaches a method of requesting a resource having a URL from a WEB server, comprising: transmitting a first request to a remote computer for a cookie that is valid for the URL; then receiving a first cookie from the remote computer; and transmitting both the first cookie and a request for the resource to the WEB Server (page 1, section 0012 and page 2, section 0025).

Regarding claim 2, *Sears, Jr. et al.* teaches the method of claim 1, further comprising: receiving input from a user defining the URL; and wherein the first request transmitting step is automatically performed in response to receiving the user input (page 1, section 0012 and page 5, section 0048).

Regarding claim 3, *Sears, Jr. et al.* teaches the method of claim 2, wherein the first request transmitting step is performed by transmitting the first request over a network to the remote computer (Fig. 1 and page 1, section 0012).

Regarding claim 4, *Sears, Jr. et al.* teaches the method of claim 1, further comprising: receiving the resource and a second cookie from the WEB server; and in response to receiving the second cookie, transmitting the second cookie to the remote computer for storage (page 1, section 0012 and page 2, section 0016).

Regarding claim 5, *Sears, Jr. et al.* teaches the method of claim 4, wherein the network comprises the INTERNET (Fig.1 and page 1, section 0012).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims **6-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over US Publication 2002/0007317 to *Callaghan et al.* in view of *Sears, Jr. et al.* (US Publication 2002/0133540)

5. **Regarding claim 6, *Callaghan et al.*** teaches a computing device, comprising: means for receiving a first request for a cookie that is valid for a first URL from a second WEB client; and means for responding to the first request (page 3, section 0052 and page 4, section 0053-0055 and 0058-0059).

Callaghan et al. does not teach means for receiving a first cookie that is valid for a first range of URL'S from a first WEB client; transmitting the first cookie to the second WEB client if the first URL is within the first range of URL's. *Sears, Jr. et al.* teaches means for receiving a first cookie that is valid for a first range of URL'S from a first WEB client; transmitting the first cookie to the second WEB client if the first URL is within the first range of URL's (page 2, section 0016 and 0025). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the system for requesting computer

resources of *Callaghan et al.* by means for receiving a first cookie that is valid for a first range of URL'S from a first WEB client; transmitting the first cookie to the second WEB client if the first URL is within the first range of URL's because this preserves memory on the client system.

6. **Regarding claim 7**, *Callaghan et al.* teaches the computing device of claim 6, wherein the first WEB client and the second WEB client are two different computing devices (Fig.1).

7. **Regarding claim 8**, *Callaghan et al.* teaches the computing device of claim 7, and wherein the first request responding means is configured to transmit the first cookie to the second WEB client over the network (page 3, section 0052 and page 4, section 0053-0055 and 0058-0059).

Callaghan et al. does not teach wherein the first cookie receiving means is configured to receive the first cookie from the first WEB client over a network. *Sears, Jr. et al.* teaches wherein the first cookie receiving means is configured to receive the first cookie from the first WEB client over a network (page 2, section 0016). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the system for requesting computer resources of *Callaghan et al.* by wherein the first cookie receiving means is configured to receive the first cookie from the first WEB client over a network because this preserves memory on the client system.

8. **Regarding claim 9**, *Callaghan et al.* teaches the computing device of claim 8, further comprising: means for receiving a second request that defines a second URL from the first WEB client; and means for responding to the second request (page 3, section 0052 and page 4, section 0053-0055 and 0058-0059).

Callaghan et al. does not teach means for receiving a second cookie that is valid for a second range of URL'S from the second WEB client; and transmitting the second cookie to the first WEB client if the second URL is within the second range of URL's. *Sears, Jr. et al.* teaches means for receiving a second cookie that is valid for a second range of URL'S from the second WEB client; and transmitting the second cookie to the first WEB client if the second URL is within the second range of URL's (page 2, section 0016 and 0025). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the system for requesting computer resources of *Callaghan et al.* by means for receiving a second cookie that is valid for a second range of URL'S from the second WEB client; and transmitting the second cookie to the first WEB client if the second URL is within the second range of URL's because this preserves memory on the client system.

9. **Regarding claim 10**, *Callaghan et al.* does not teach the computing device of claim 9, further comprising: means for further responding to the second request (page 3, section 0052 and page 4, section 0053-0055 and 0058-0059).

Callaghan et al. does not teach transmitting the first cookie to the first WEB client if the second URL is within the first range of URL's. *Sears, Jr. et al.* teaches transmitting the first cookie to the first WEB client if the second URL is within the first range of URL's (page 2, section 0016 and 0025). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the system for requesting computer resources of *Callaghan et al.* by transmitting the first cookie to the first WEB client if the second URL is within the first range of URL's because this preserves memory on the client system.

10. **Regarding claim 11**, *Callaghan et al.* teaches the computing device of claim 10, wherein the network comprises the INTERNET (page 3, section 0046 and 0048 and 0052).

11. **Regarding claim 12**, *Callaghan et al.* teaches a system, comprising: a first WEB client operable to receive a first resource and a first cookie from a first WEB Server and configured to automatically respond thereto by processing the first resource (page 4, section 0055 and section 0058-0059).

Callaghan et al. does not teach transmitting the first cookie to a remote computer. *Sears, Jr. et al.* teaches transmitting the first cookie to a remote computer (page 2, section 0016). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the system for requesting computer resources of *Callaghan et al.* by transmitting the first cookie to a remote computer because this preserves memory on the client system.

12. **Regarding claim 13**, *Callaghan et al.* teaches the system of claim 12, further comprising: a second WEB client operable to receive a second resource and a second cookie from a second WEB server and configured to automatically respond thereto by processing the second resource (page 4, section 0055 and section 0058-0059).

Callaghan et al. does not teach transmitting the second cookie to a remote computer. *Sears, Jr. et al.* teaches transmitting the second cookie to a remote computer (page 2, section 0016). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the system for requesting computer resources of *Callaghan et al.* by transmitting the second cookie to a remote computer because this preserves memory on the client system.

13. **Regarding claim 14**, *Callaghan et al.* teaches the system of claim 13, wherein the first WEB client is further operable to receive a URL from a user and is responsive thereto by first transmitting a request to the remote computer for a cookie that is valid for the URL (page 3, section 0052 and page 4, section 0053).

14. **Regarding claim 15**, *Callaghan et al.* teaches the system of claim 14, further comprising: the remote computer; and wherein the remote computer is operable to receive the request from the first WEB client and is responsive thereto by: (a) transmitting the stored first cookie to the first WEB client if the stored first cookie is valid for the URL; and (b) transmitting the stored second cookie to the first WEB client if the stored second cookie is valid for the URL (page 3, section 0052 and page 4, section 0053-0054 and 0058-0059).

Callaghan et al. does not teach wherein the remote computer is operable to receive the first cookie from the first WEB client and to then store the first cookie; and wherein the remote computer is operable to receive the second cookie from the second WEB client and to then store the second cookie. *Sears, Jr. et al.* teaches wherein the remote computer is operable to receive the first cookie from the first WEB client and to then store the first cookie; and wherein the remote computer is operable to receive the second cookie from the second WEB client and to then store the second cookie (page 1, section 0012 and page 2, section 0016). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the system for requesting computer resources of *Callaghan et al.* by wherein the remote computer is operable to receive the first cookie from the first WEB client and to then store the first cookie; and wherein the remote computer is operable to receive the second cookie from the

second WEB client and to then store the second cookie because this preserves memory on the client system.

15. **Regarding claim 16**, *Callaghan et al.* teaches the system of claim 14, further comprising: the remote computer, and further configured to automatically respond to the request by transmitting the cookie to the first WEB client (page 3, section 0052 and page 4, section 0053-0054 and 0058-0059).

Callaghan et al. does not teach the remote computer, operable to receive a cookie that is valid for the URL from the second WEB client and to respond thereto by storing the cookie in a memory. *Sears, Jr. et al.* teaches the remote computer, operable to receive a cookie that is valid for the URL from the second WEB client and to respond thereto by storing the cookie in a memory (page 1, section 0012 and page 2, section 0016). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the system for requesting computer resources of *Callaghan et al.* by the remote computer, operable to receive a cookie that is valid for the URL from the second WEB client and to respond thereto by storing the cookie in a memory because this preserves memory on the client system.

16. **Regarding claim 17**, *Callaghan et al.* teaches the system of claim 16 (page 3, section 0052 and page 4, section 0053-0054 and 0058-0059).

Callaghan et al. does not teach a monitoring device. *Sears, Jr. et al.* teaches further comprising: a monitoring device operable to monitor a first device to detect when the device generates a pre-defined signal and to respond thereto by generating a notification that the signal was generated; and wherein the first WEB client and the second WEB client are operable by a user to retrieve the notification (page 3, section 0035-0037). Therefore it would have been

obvious to one of ordinary skill in the art at the time the invention was made to further modify the system for requesting computer resources of *Callaghan et al.* by having a monitoring device because this allows the user to monitor the device.

17. **Regarding claim 18**, *Callaghan et al.* teaches the system of claim 17 (page 3, section 0052 and page 4, section 0053-0054 and 0058-0059).

Callaghan et al. does not teach wherein the first device is a printer. *Sears, Jr. et al.* teaches wherein the first device is a printer (page 3, section 0035-0037). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the system for requesting computer resources of *Callaghan et al.* by having a monitoring device because this allows the user to monitor the device.

18. **Regarding claim 19**, *Callaghan et al.* teaches the system of 18 (page 3, section 0052 and page 4, section 0053-0054 and 0058-0059).

Callaghan et al. does not teach further comprising: the printer; and wherein the printer includes a replaceable consumable cartridge; and wherein the printer is operable to generate the signal when a consumable in the cartridge moves below a pre-determined level. *Sears, Jr. et al.* teaches further comprising: the printer; and wherein the printer includes a replaceable consumable cartridge; and wherein the printer is operable to generate the signal when a consumable in the cartridge moves below a pre-determined level (page 3, section 0035-0037). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the system for requesting computer resources of *Callaghan et al.* by further comprising: the printer; and wherein the printer includes a replaceable consumable

cartridge; and wherein the printer is operable to generate the signal when a consumable in the cartridge moves below a pre-determined level because this allows the user to monitor the device.

19. **Regarding claim 20**, *Callaghan et al.* teaches the system of claim 19 (page 3, section 0052 and page 4, section 0053-0054 and 0058-0059).

Callaghan et al. does not teach wherein the printer is a laser printer. *Sears, Jr. et al.* teaches wherein the printer is a laser printer (page 3, section 0035-0037). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the system for requesting computer resources of *Callaghan et al.* by wherein the printer is a laser printer because this allows the user to monitor the device.

Conclusion

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to requesting computer resources in general: *Blumenau*, *Montulli*, *Kopsell et al.*, and *Courts et al.*

21. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

Art Unit: 2141

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie Shingles whose telephone number is 571-272-3888. The examiner can normally be reached on Monday-Friday 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kristie Shingles
Examiner
Art Unit 2141

kds


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER